

Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The special technical feature in Group I pertains to a method and an apparatus for indirectly determining the concentration of a predetermined substance in the blood. The method comprises measuring the concentration of the predetermined substance and of water vapor in the exhaled air from a person. The special technical feature of Group I is the breath being exhaled "freely" in a delimited volume with a predetermined composition. Group II discloses a method for indirectly determining the concentration of a predetermine substance in the blood. The special technical feature of Group II is the method comprises measuring the concentration of the predetermined substance and of water vapor and the lung temperature (vaporizing temperature of the alveolar gas) in the alveolar air exhaled by a person into a delimited passage."

Applicant hereby elects to prosecute the Group I, claims 1-19 without traverse.

Applicant reserves the right to a file Divisional Application for the Group II invention.


In the event the Examiner has further difficulties with the allowance of the application, he is invited to contact the undersigned attorney by telephone at (412)380-0725 to resolve

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any remaining questions or issues by interview and/or by Examiner's amendment as to any matter that will expedite the completion of the prosecution of the application.

Respectfully submitted,

By: 
Amos Bartoli
Agent for Applicant
Registration No. 42,299

JAMES RAY & ASSOCIATES
2640 PITCAIRN ROAD
MONROEVILLE, PA 15146

TELEPHONE: 412-380-0725
FACSIMILE: 412-380-0748

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